

REMARKS

In the outstanding Office Action, the Examiner rejected claims 1-9 and 11-17 under 35 U.S.C. § 102(b) as being anticipated U.S. patent No. 5,614,993 to Smith et al. (hereinafter referred to as “the Smith et al. ‘993 patent”); and rejected claim 10 under 35 U.S.C. § 103 (a) as obvious over the Smith et al. ‘993 patent.

By this Response and Amendment:

independent claim 1 and 9 have been amended to recite a “complete set of hierarchical multi-stage predetermined condition to be set up for all stages of the hierarchy” and, as amended, the rejections thereto and the rejections to the claims dependent thereon are traversed.

It is respectfully submitted that the above amendment and corrections do not introduce any new matter to this application within the meaning of 35 U.S.C. § 132. Support for the amendments to the independent claims can be found on page 2 lines 32-33 and page 5 lines 9-29 of the original application.

Rejections under 35 U.S.C. 102(b)

The Examiner rejected claims 1- 9 and 11 - 17 under 35 U.S.C. 102(b) as being anticipated by the Smith et al. ‘993 patent.

Response

Independent claims 1 and 9 have been amended to obviate the Examiner's rejection under 35 U.S.C. 102(b). As amended, the rejections are traversed. In particular, Applicant amended claims 1 and 9 to recite "a complete set of hierarchical multi-stage predetermined condition to be set up for all stage of the hierarchy" is stored.

Applicant respectfully submits that the cited Smith et al. '993 patent does not show all of the limitations of the independent claims as amended. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

The present invention is directed toward an image forming apparatus in which a set of hierarchical multi-stage predetermined printing condition can be input to the apparatus. The set of printing conditions is made up of instructions having a multi-stage hierarchy. The set of printing conditions is saved (stored) in the apparatus's memory as a unique package. As such, the predetermined printing conditions having a clear

hierarchical structure can be entered and likewise saved in the apparatus memory as a separate and distinct package. After this separate and distinct package of the hierarchical printing condition has been used and images formed therefrom, a user is able to display the hierarchical printing condition together through the setup screen and recall the original package of printing conditions, if necessary, and produce additional images based on the original set of printing conditions.

Contrastingly, the Smith et al. '993 patent shows a system for producing a print job wherein instructions are input into the system and maintained throughout programming for a print job. Smith et al. refer to the set of instructions as summary information. See the Smith et al. '993 patent col.2 lines 24-30. This summary information can be reviewed as the job is programmed. *Id.* at lines 30 –32. The Smith et al. '993 patent disclose a memory; however, the memory disclosed in the Smith et al. '993 patent is used to store signal sets, either job level or page level; there is no mention of the memory being used to store a hierarchical package of set-up conditions for a print job such that a complete package of all stages of a hierarchy of the particular stored print job can be recalled and reused. This feature is missing from the Smith et al. '993 patent disclosure. Furthermore, the '993 patent discloses summary information, sequentially dividing the information by Job Level and Page Level on individual screens respectively (see FIG.25 and FIG.26). This feature is different from the presently claimed invention. Thus, the Smith et al. '993 patent cannot anticipate the present invention.

As such, Applicant assert that the present inventions is patentable over the cited Smith et al. '993 patent in view of the amendments to independent claims 1 and 9 as the Smith et al. '993 patent does not contain all of the limitations thereof. Claims 2-8 and 11-17 either directly or indirectly depend from claims 1 and 9 respectively; therefore, these claims are amended in view of their dependency and are likewise patentable over the Smith et al. '993 patent for at least the same reasons as the independent claims.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. 103(a)

The Examiner rejected claims 10 under 35 U.S.C. 103(a) as being unpatentable over the Smith et al. '993 patent.

Response

Application incorporates herein by reference the arguments presented above in response to the rejection of claim 9 under 35 U.S.C. § 102 (b). Since claim 9 as amended is now patentable over the Smith et al. '993 patent, claim 10, dependent therefrom, is likewise patentable thereover because all of the elements of claim 10 are not taught or suggested by Smith et al. '993 reference.

Accordingly, reconsideration and withdrawal of the rejection is respectfully

requested.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Application respectfully requests that Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted

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